



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

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OCT 04 2001

OFFICE OF PETITIONS

In re Application of	:
Schiff et al.	:
Application No. 09/728,583	: DECISION REFUSING STATUS
Filed: December 1, 2000	: UNDER 37 CFR 1.47(a)
Attorney Docket No. TRAVL.017A	:
For: SYSTEMS AND METHODS OF	:
COMPARING PRODUCT INFORMATION	:

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed August 27, 2001.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.47(a)."

The above-identified application was filed on December 1, 2000. On May 10, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee) and paid the surcharge for late filing of the

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR 1.63.

declaration. To make timely this reply, a two-month extension of time was charged to counsel's Deposit Account, as authorized. On August 27, 2001, in reply to an Office inquiry, petitioner filed the following documents: several declarations executed by attorney James Bear regarding non-signing inventors Adolf Quintana, Monica Scanlon, Paul Colangelo, Timothy Moorhead, Fred Locicero, and Maryann Bastnagel; a declaration executed by Rexford Johnson regarding non-signing inventor Paul Colangelo; a declaration executed by Tammy Chappell regarding nonsigning inventor Timothy Moorhead, and; a declaration executed by Amy C. Christensen regarding non-signing inventor Fred Locicero. Also included was a power of attorney form, a copy of the assignment², and a declaration executed by the signing inventors.

On petition and via a plurality of declarations, Attorney James Bear described the facts relied on to conclude that the inventors refuse to sign, including each inventor's failure to respond to the request that he/she sign the declaration. Accompanying Attorney Bear's statement is the following supporting documentary evidence: (1) the cover letters of April 2, 2001, April 10, 2001, April 25, 2001, and July 20, 2001, each addressed to Mr. Quintana's last known address; (2) the e-mail from Mr. Quintana where he acknowledged receipt of the letters and expressed his intent not to sign the relevant documents; (3) the cover letters of December 13, 2000, April 5, 2001, April 25, 2001, and July 20, 2001, each addressed to Ms. Scanlon's last known address; (4) the cover letters of December 13, 2000, April 5, 2001, April 25, 2001, and July 20, 2001, each addressed to Mr. Colangelo's last known address; (5) the declaration of Rexford Johnson which states that in a telephone conversation, Mr. Colangelo informed the declarant that he would not sign the declaration or assignment documents; (6) an e-mail from Mr. Colangelo to Mr. Johnson which states his intent not to sign; (7) the cover letters of December 13, 2000, April 5, 2001, April 25, 2001, and July 20, 2001, each addressed to Timothy Moorhead's last known address; (8) the declaration of Tammy Chappell which states that she sent a package to the Mr. Moorhead on January 22, 2001; (9) the declaration of Amy Christensen which states that she spoke with Mr. Locicero and was informed that he would not sign the declaration or assignment documents until Travel Services International provided him with a copy of his employment contract; (10) the cover letters of December 18, 2000, April 5, 2001, April 25, 2001, each sent to Ms. Bastnagel, a statement from Mr. Bear which discusses his dealings with Ms. Bastnagel's attorney as well as several letters concerning this dialog, and; (11) the cover letters of December 13, 2000, April 4, 2001, April 25, 2001, and July 20, 2001, each addressed to Mr. Locicero's last known address.

Petitioner has met requirements (1) - (3) and (6). While the submission is extensive, it lacks the declaration of Amy Christensen as to her actions involving many of the non-signing inventors. In many of the declarations by attorney Bear, he states that he instructed Ms. Christensen to send letters, make phone calls, initiate Internet searches, etc. Ms. Christensen must be the one to attest to these actions, not Mr. Bear, as he is not the one with first hand knowledge.

Further correspondence with respect to this matter should be addressed as follows:

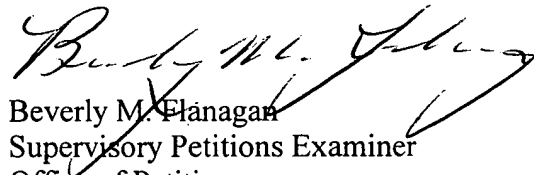
² The assignment has been forwarded to the Assignment Division for consideration. (A copy is retained in the application file.)

By mail: Commissioner for Patents
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By hand: Office of Petitions
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Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



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